

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHOICE HOTELS INTERNATIONAL,)	
INC.,)	
)	
Plaintiff,)	
)	Civil Action No.: 1:12cv747
v.)	
)	Judge Timothy S. Black
KMC HOSPITALITY, LLC,)	
CHAMPAK T. PATEL, MEENA PATEL)	
and KATEN PATEL)	
)	
Defendants.)	
)	

**ORDER GRANTING PLAINTIFF CHOICE HOTELS INTERNATIONAL, INC.'S
MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION**

This matter comes before the Court on the Motion of Plaintiff, Choice Hotels International, Inc.'s For a Temporary Restraining Order and Preliminary Injunction against Defendants KMC Hospitality, LLC, Champak T. Patel, Meena Patel and Katen Patel (hereinafter, collectively, "Defendants"). Having been fully advised of the premises herein, and following a telephonic counsel with Counsel for Plaintiff and Defendants on January 23, 2013, the Court finds that the Motion is well taken and hereby GRANTS Plaintiff's Motion for a Temporary Restraining Order and Permanent Injunction.

IT IS HEREBY ORDERED that Defendants and their agents, servants, employees, successors, representatives and assigns, and all others in active concert and privity with them who receive actual notice of this Temporary Restraining Order and Preliminary Injunction by personal service or otherwise, are enjoined from:

- (a) using any of the marks in the COMFORT family of marks owned by Choice Hotels, including but not necessarily limited to, the marks appearing in the '290 registration; the '180 registration; the '980 registration; the 467 registration; the '481 registration; the '482 registration; the '677 registration; the '702 registration; the '525 registration; the '363 registration; the '364 registration; the '860 registration; the '866 registration, the '867 registration; the '868 registration; the '877 registration; the '880 registration; the '881 registration; the '882 registration; the '883 registration; the '176 registration; the '1180 registration and the '308 registration; or any mark confusingly similar thereto; and
- (b) using, registering, selling, transferring or assigning any Internet domain name that contains any mark in the COMFORT family of marks owned by Choice Hotels; and
- (c) using any simulation, reproduction, counterfeit, copy or colorable imitation of any of the marks in the COMFORT family of marks, including but not necessarily limited to, the marks appearing in the '290 registration; the '180 registration; the '980 registration; the 467 registration; the '481 registration; the '482 registration; the '677 registration; the '702 registration; the '525 registration; the '363 registration; the '364 registration; the '860 registration; the '866 registration, the '867 registration; the '868 registration; the '877 registration; the '880 registration; the '881 registration; the '882 registration; the '883 registration; the '176 registration; the '1180 registration and the '308 registration; or any mark confusingly similar thereto; in connection with the sale, offering for sale, advertisement, promotion, or display of any hotel and/or motel services or related goods and services not authorized or licensed by Choice Hotels; and
- (d) using any false designation of origin or false description which can or is likely to lead the trade, or public or individuals erroneously to believe that any hotel and/or motel services, or related goods and services, has been manufactured, produced, distributed, offered for distribution, advertised, promoted, displayed, licensed, sponsored, approved, or authorized by or for Choice Hotels, when such is not true in fact; and
- (e) engaging in any other activity constituting an infringement of any of the marks appearing in the COMFORT family of marks, including but not necessarily limited to, the marks appearing in the '290 registration; the '180 registration; the '980 registration; the 467 registration; the '481 registration; the '482 registration; the '677 registration; the '702 registration; the '525 registration; the '363 registration; the '364 registration; the '860 registration; the '866 registration, the '867 registration; the '868 registration; the '877 registration; the '880 registration; the '881 registration; the '882 registration; the '883 registration; the '176 registration; the '1180 registration and the '308 registration; or any mark confusingly similar thereto.

It is further ORDERED that:

- a. Defendants will cover all signage bearing any of the COMFORT Marks (including but not limited to the highway sign depicted in Exhibits A and B to the Declaration of Rhonda Shires) completely and securely no later than 5:00 p.m. on Monday, January 28, 2013 or show cause why they should not be held in contempt of this ORDER; and
- b. Defendants will file with the Court, no later than 14 days after entry and service of this ORDER, a report in writing and under oath, setting forth in detail the manner and form in which they have complied with the terms of the ORDER.

It is so ORDERED this 25th day of January, 2013.

Timothy S. Black
Timothy S. Black
United States District Judge